



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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BATH EDUCATION ASSOCIATION/NEA- NEW HAMPSHIRE	:	
	:	
	:	
Petitioner	:	CASE NO. T-0399
	:	
and	:	DECISION NO. 91-79
	:	
BATH SCHOOL DISTRICT	:	
	:	
Respondent	:	

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#### APPEARANCES

##### Representing Bath Education Association/NEA-NH:

John Fessenden, UniServ Director

##### Representing Bath School District:

Bradley F. Kidder, Esq., Counsel

##### Also appearing:

Douglas B. McDonald, S.A.U. #23  
James Gaylord, S.A.U. #23  
Brian Sullivan, NEA-NH

#### BACKGROUND

On August 13, 1991 the Bath Education Association/NEA-New Hampshire (Association) filed a petition for the certification of a bargaining unit consisting of full-time teachers, part-time teachers, LPN's, secretary, aide, custodian and two (2) cooks.

Hearing in this matter was held in the office of Attorney Bradley F. Kidder, Esq. in Laconia, New Hampshire on September 18, 1991 with all parties present.

Prior cases were cited by Attorney Kidder as proof that it was not the same conditions of employment and they are willing to stipulate that they honor the positions in the unit employed by the District. He further stated that the cooks worked only part-time and there was no common work rules and benefits and also the LPN was not acting as a nurse or teacher.

During the course of the hearing, the petitioner, John Fessenden on behalf of the Association indicated willingness to exclude from the petition the cooks and custodians, but did amend his petition to include on nurse position.

ORDER

After listening to the testimony offered relative to the specific duties and considering prior decisions of this Board in similar cases, the hearing officer rules as follows;

- A. A bargaining unit is created consisting of all full-time teachers, part-time teachers, LPN, secretary, aide and the nurse position.
- B. EXCLUDED from the bargaining unit are the custodians and the cooks on the basis of a lack of community of interest with the other professionals and assistant professionals.

Because the position of Executive Director is still vacant and because of the Board's workload and delay in scheduling cases and rendering of decisions, employees should not be penalized for the Board's failure to conduct an election prior to October 4, 1991, therefore, the time limits are waived.

An election should be held by PELRB in accordance with RSA 273-A:10 and PELRB Rules and Regulations as expeditiously as possible.

Signed this 1st day of October, 1991.

  
EDWARD J. HASELTINE  
Hearing Officer